

REMARKS

Formal entry therefor of this submission as a formal response to the outstanding first Office Action, dated July 14, 2004, is respectfully requested. The remarks hereinbelow address the sole issue presently pending, which is an art rejection.

Firstly, applicants note with appreciation the indication of allowability regarding claims 1-17 and 21-24.

The Specification was amended to update the continuing data information on page 1 thereof.

The sole issue presently outstanding involves a prior art rejection, namely, a rejection of claims 18-20 under 35 USC §102(b) as being anticipated by Gans et al (USP 5,905,682). As will be shown hereinbelow, however, this is an improper rejection in that Gans et al is inapplicable as a reference. Accordingly, this rejection is traversed.

A review of the Gans et al U.S. Patent shows that it is based on an original U.S. Application filed on August 22, 1997, which is subsequently to the filing date of the prior, original U.S. Application with regard to the series of continuing applications corresponding to the present application. Specifically, the base (original) U.S. Application Serial No. 08/476,761 (now USP 5,654,577), corresponding to the earliest one of the series of continuing applications for which benefit was requested under 35 USC §120, was filed on June 7, 1995, which is considerably prior to the above-mentioned Gans et al effective filing

date. In other words, the U.S. Patent to Gans et al is inapplicable as a reference under §102(b) or, for that matter, under any subparagraph of §102 of The Patent Act in view of its later effective date. Since it is not applicable under §102, it also cannot be applied in any rejection under 35 USC §102 or §103. A review of the entirety of the continuing series of applications corresponding to the above-referenced application shows that a claim for benefit under 35 USC §120 was requested in each of the continuing applications. It is submitted, the outstanding rejection, under 35 USC §102(b), was erroneously made and, therefore, reconsideration and withdrawal of the same is respectfully requested.

Incidentally, the U.S. Patent No. 6,185,139 to Pantelakis et al, which was cited in the first Office Action as being of interest, is also inapplicable as a reference under either §102 or §103 of The Patent Act since it also has a later effective filing date than the earliest effective U.S. filing date corresponding to the present application, which is the filing date of the above referred-to base (original) U.S. Application in the series of continuing applications corresponding to the present application.

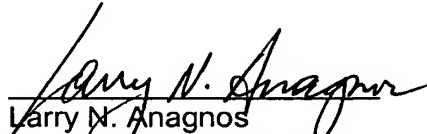
Acceptance and favorable action on this response as well as allowance of all of the presently pending claims and an early formal notification of allowability of the above-identified application is respectfully requested.

To the extent necessary, applicants petition for an extension of time

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under 37 CFR §1.136. Please charge any shortage in the fees due in connection with the filing of this paper, including Extension of Time fees, to the Deposit Account of Antonelli, Terry, Stout & Kraus, LLP, Dep. Acct. No. 01-2135 (501.33808CV4), and please credit any excess fees to such deposit account.

Respectfully submitted,
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